



Our Docket No: 042390.P3373

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Akiyama

Application No: 09/164,898

Filed: October 1, 1998

For: Virtualized Striping Controller

Examiner: Vital, Pierre M.

Art Unit: 2188

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION UNDER 37 CFR 1.131 IN SUPPORT OF PRIOR INVENTION**

Sir :

I, James E. Akiyama declare:

1. I am the inventor of the claims of the above-captioned patent application ("the Application") and the inventor of the subject matter described therein.
2. Prior to November 4, 1997, the filing date of U.S. Patent No. 6,341,342 cited in an Office Action mailed October 17, 2003, the invention claimed in the Application had been conceived and reduced to practice in the United States.
3. At least prior to November 25, 1996, the effective filing date of U.S. Patent No. 6,567,864 cited in the Office Action mailed October 17, 2003, the invention claimed in the Application had been conceived and reduced to practice in the United States.

4. Attached Exhibit A, dated May 8, 1995, is an invention disclosure form describing the design of the Virtualized Striping Controller, and establishes that the subject matter claimed in the Application had been reduced to practice in the United States prior to November 25, 1996.

I further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Dated: November 17, 2003

James E. Akiyama  
James E. Akiyama